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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,090	08/20/2001	Jocelyn Tristram Gervais Wood	03485-P0002A	6640

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,090

Applicant(s)

WOOD, JOCELYN TRISTRAM
GERVAIS

Examiner

Steven R. Wasylchak

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/20/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mottola et al. (US 5,809,484).

CLAIMS:

1. A data processing system for initiating and managing a loan, pension or other financial product where capital is transferred from a lender to a borrower, which loan is to be repaid over a term, which system comprises:
 - (i) means for logging personal data into a personal database, which data comprises one or more predetermined relevant indicators of the borrower's future income profile;/abstract; fig 1 (all); fig 3(311); fig 5(521,522,523); fig 6(637); col 3, L 31-57

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(ii) means for estimating the borrower's future income, which means comprises a database of reference income profiles for a plurality of borrower categories, each profile individually identifiable by its characteristic reference indicator(s), and means for matching or approximating the relevant indicators, with each reference indicator or indicators thereby to arrive at an income profile most suited to the customer for the period of the product;/ col 3, L 31-57

(iii) means for computing a predicted payment schedule over the period, which schedule comprises a plurality of predicted payment events, the amount to be paid at each event being calculated as a percentage value of the customer's estimated instantaneous income at about the time that the repayment is to be made; the system further comprising;/ abstract; col 15, L 5-67

(iv) Mottola et al. discloses means for logging the customer's actual income during the term of the contract each payment comprising the predicted percentage value of the borrower's actual income rather than the predicted income, whereby the actual payment comprises a proportion of the borrower's actual income during the period of the contract./ abstract; col 10, L 7-10; col 15, L 5-67; col 16, L 1-13. However, Mottola et al. does not explicitly disclose demanding payment events from the customer.

Official notice is taken that this feature of demanding payment events from the customer is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of readily keeping track of payments to forestall late payments or initiate default proceedings.

2. A system as claimed in claim 1 wherein the percentage value predicted to be repaid is calculated to repay the compensation while the capital portion is repaid by a separate financial instrument./ col 2, L 48-57; col, 10, L 7-10; col 15, L 15-33; col 22, L 39-44. However, Mottola et al. does not explicitly disclose while the capital portion is repaid by a separate financial instrument. Official notice is taken that this feature of capital portion is repaid by a separate financial instrument is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of separately keeping track of compensation and capital portions for auditing and tax purposes.

3. A system as claimed in claim 1 wherein the percentage value predicted to be repaid is calculated to repay the capital portion during the term / abstract; col, 10, L 7-10; col 15, L 5-67; col 22, L 39-44. However, Mottola et al. does not explicitly while the compensation is repaid by a separate financial instrument. Official notice is taken that this feature of compensation is repaid by a separate financial instrument is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of separately keeping track of compensation and capital portions for auditing and tax purposes.

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4. A system as claimed in claim 1 wherein the percentage value predicted to be repaid is calculated to repay both the capital and the compensation during the term./ abstract; fig 7 (742); col, 10, L 7-10; col 15, L 15-33; col 22, L 39-44
5. A system as claimed in any preceding claim wherein the capital sum and/or compensation to be repaid is adjusted over the term according to any known economic prediction model or forecast which is made when actual payments have been received./ abstract; col 5, L 48-64; col 6, L 52-65
6. A system as claimed in any preceding claim wherein the percentage of the borrower's income forming a repayment at each payment event is a fixed percentage during the term of the loan./ abstract; col 10, L 10-36
7. A system as claimed in any of claims 1 to 5 wherein the percentage of the borrower's income forming a repayment event may vary according to a predefined event or set of circumstances./ col 9, L 1-8
8. A system as claimed in claim in claim 7 where the percentage is ramped upwards or downwards as a function of the term of the loan./ col 10, L 10-36
9. A system as claimed in any preceding claim wherein the reference database comprises data indicative of the probability of variation from the predicted income profile for each borrower category, the percentage value or total amount to be repaid being

adjusted to increase where the probability of variance increases, thereby compensating for perceived risk./ abstract; col 4, L 15-30; col 7, L 5-63

10. A system as claimed in any preceding claim wherein the actual income consists of a gross taxable income or that income which is exempted from specific taxes./ col 9, L 1-8; col 13, L 25-31; col 15, L 5-24

11. A system as claimed in any preceding claim, wherein the actual repayments may be a subject to a ceiling and/or floor to provide maximum and/or minimum repayments at the repayment events./col 15, L 34-37; col 19: claims 10, 11 and 12

12. A system as claimed in any preceding claim wherein the actual repayments may be used to provide a savings plan or pension if a preset repayment ceiling is exceeded./ col 15, L 55-67: savings plan is a short-term low-risk investment for the investment trust as a borrower is not mentioned in the claim

13. A system as claimed in any preceding claim wherein the actual repayments above the repayment ceiling may be stored to compensate the lender for any future payments which fail to be equal in value to a predetermined repayment floor./ col 15, L 55-67

14. A system as claimed in any preceding claim and comprising a computer or computer network programmed to carry out the calculations required and store the data required./ fig 1 (all); fig 9(all)

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak



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